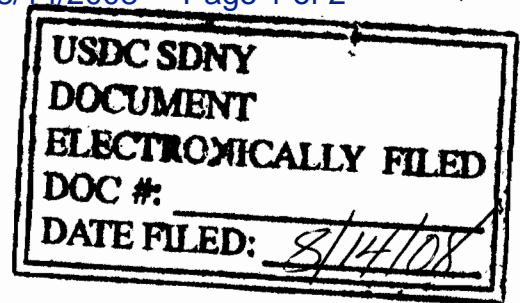


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



STUART B. Herman

Plaintiff,

- against -

Berkshire Life

Defendant(s).

Amended

SCHEDULING ORDER

07 Civ. 11061 (SAS)
Conference Date:

8/13/08

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

(2) a concise statement of the issues as they then appear;

(3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

(b) a schedule for the production of documents;

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

(d) time when discovery is to be completed;

January 15, 2009

Feb 1, 2009 affirmative reports; opposing reports
February 20, 2009 and
depositions by March
20, 2009.

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

April 30

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

MAY 15

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Feb. 4, 2008 at 4:30
(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

Medical
vocational
financial

(7) anticipated length of trial and whether to court or jury;

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

Hipaa forms and other authorization will be furnished no later than August 18, 2008. Tentative Rule 26 disclosures no later than SO ORDERED: August 18, 2008. Plaintiff's response to interrogatories no later than September 8, 2008.

SHIRA A. SCHEINDLIN
U.S.D.J.

8/13/08